

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a	)	
Delaware corporation,	)	
	)	
Plaintiff,	)	
	)	Case No. 16-cv-1054 (WMW/DTS)
v.	)	
	)	
FEDERAL INSURANCE COMPANY, an	)	<b>Jury Trial Demanded</b>
Indiana corporation,	)	
	)	
Defendant.	)	
	)	

**JOINT MOTION TO AMEND PRETRIAL SCHEDULING ORDER**

Plaintiff Fair Isaac Corporation (“FICO”) and Defendant Federal Insurance Company (“Federal”) hereby jointly move the Court, pursuant to Fed. R. Civ. P. 16(b)(4) and D. Minn. L.R. 16.3, for an Order extending the deadlines set forth in the Court’s Pretrial Scheduling Order (Dkt. No. 40) entered on February 28, 2017. Good cause exists to grant the present Motion, which will permit the parties to complete the fact discovery process after the Court rules on the pending cross-motions to compel.

Fact discovery is currently pending and is set to close March 1, 2018. The parties have substantially completed written discovery, but no depositions have been taken. The parties disagree on the relevance of several key categories of documents and interrogatories and have filed cross-motions to compel discovery, which will be heard on February 12, 2018. The outcome of the motions to compel will have a significant impact on the scope of the remaining fact discovery process, and the parties seek to avoid duplicating discovery by extending the fact discovery deadline until four months after the Court’s Order on the motions to compel. This timeline will allow the parties to complete any remaining document production, if necessitated by the Court’s Order on the motions to compel, and to conduct fact depositions in light of the issues resolved in

the Court's Order. If the fact discovery deadline is not extended, the parties may have to re-depose witnesses and re-conduct discovery depending on the outcome of the motions to compel.

ACCORDINGLY, the parties hereby move, by and through their undersigned counsel, for an amendment to the Pretrial Scheduling Order, as set forth below:

1. Fact Discovery

- a. Fact discovery shall be commenced in time to be completed on or before 120 days from the date of Magistrate Judge Schultz's ruling on Plaintiff's Motion to Compel (Dkt. No. 58) and Defendant's Motion to Compel (Dkt. No. 49).

2. Expert Discovery

- a. Disclosure of the identity of expert witnesses under Fed. R. Civ. P. 26(a)(2)(A) and the full disclosures required by Fed. R. Civ. P. 26(a)(2)(B), accompanied by the written report prepared and signed by the expert witness, shall be made as follows:

i. Plaintiff

1. Identification by Plaintiff on or before 30 days from the close of fact discovery.
2. Report by Plaintiff on or before 30 days from the close of fact discovery.
3. Rebuttal witness and reports shall be disclosed on or before 60 days from the close of fact discovery.
4. Reply reports shall be served on or before 75 days from the close of fact discovery.

ii. Defendant

1. Identification by Defendant on or before 30 days from the close of fact discovery.
2. Report by Defendant on or before 30 days from the close of fact discovery.

3. Rebuttal witness and reports shall be disclosed on or before 60 days from the close of fact discovery.
    4. Reply reports shall be served on or before 75 days from the close of fact discovery.
  - b. Expert discovery, including deposition, shall be completed on or before 120 days from the close of fact discovery.
3. Non-Dispositive Motions
  - a. All non-dispositive motions and supporting documents, including those which relate to discovery, shall be served and filed on or before on or before the close of fact discovery.
  - b. All non-dispositive motions and supporting documents which relate to expert discovery shall be filed and served on or before 120 days from the close of fact discovery.
4. Dispositive Motions
  - a. All dispositive motions shall be filed, served and scheduled on or before 180 days from the close of fact discovery.
5. Trial
  - a. This case shall be ready for a Jury trial on or before ten (10) months from the close of fact discovery.
  - b. Anticipated length of trial is ten days.

Dated: January 30, 2018

Respectfully submitted,

MERCHANT & GOULD P.C.

/s/ Heather Kliebenstein

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